

**Subject:** SRKW critical habitat comments  
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Attached are some comments. Thanks for reading.

Ann Stateler

**06Aug13SRKWCRITICALHABITATComments.doc**

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## **COMMENTS ON CRITICAL HABITAT PROPOSAL FOR SOUTHERN RESIDENT KILLER WHALES (SRKW)**

As noted in NOAA's 2004 SRKW Status Review, killer whales have the most sensitive hearing of all odontocetes and they rely on their sophisticated acoustic ability for survival. I believe we are currently underestimating the potential impacts of noise on the SRKW. The Precautionary Principle dictates that we should exercise greater care in ensuring that anthropogenic underwater noise does not push these endangered orcas closer to extinction.

Like water quality, prey availability, and safe passage, noise levels in the underwater acoustic environment of the SRKW must be treated as an essential feature, or Primary Constituent Element (PCE). I concur with similar recommendations made by The Whale Museum and People for Puget Sound. Moreover, noise can be synergistic with other essential features like prey and passage conditions.

As coordinator of the Vashon Hydrophone Project, I am constantly listening to underwater sounds. When bombarded by the cacophonous noise on our hydrophone during busy boating periods, I have great empathy for the SRKW. If I perceive the noise as noxious, it cannot be pleasant for the SRKW, whose hearing is much more keen than mine is.

The commercial whale watch fleet is a significant contributor of noise in SRKW habitat. Research is ongoing to investigate vessel effects and acoustic disturbance, yet sufficient data already show that boats and engine noise are stressors on the SRKW. Cumulative effects from repeated short-term disruption, masking, and the risk of temporary or permanent hearing loss are all possible harmful consequences of chronic exposure to boat noise.

Between the US and Canada, 85+ boats target the SRKW during peak summer season. An increasing number of boats encroach on the SRKW outside of core summer areas and into all seasons. At present, these endangered orcas get no respite from commercial whale watching in the inland waters and Puget Sound.

Commercial shipping traffic, ferries, and Coast Guard patrols make Central Puget Sound a noisy, busy place. Subjecting the SRKW to more whale watching pressure from November to January, when they are most vulnerable, is unjustifiable. I am not aware of other top predators in North America that must endure year-round exposure to tourists seeking to view them.

A typical scenario: the commercial whale watch boat attracts other tour boats like Argosy and private boaters, resulting in a small flotilla of boats chasing the SRKW in urban Puget Sound.

Relying on voluntary compliance with "Be Whale Wise" guidelines is unrealistic and inadequate. Enforcement must supplement education. A few tickets to offending boaters would have a deterrent effect, and fines collected could support orca conservation and research.

Seldom mentioned as a habitat concern are fossil fuel emissions from the commercial whale watch fleet and shipping traffic in general. Salmon are a primary SRKW food source, and the plankton that salmon feed on in the North Pacific are threatened by the increasing acidification of the ocean. The increased acidity is linked to fossil fuel emissions.

Current commercial whale watching practices are unsustainable. Unbridled growth throughout SRKW range, beyond peak or shoulder seasons, is indefensible in designated critical habitat. A never-ending

whale watch season focused on an endangered species is inconsistent with orca recovery. Rather than continually expanding its ecological footprint, the whale watch industry should vigorously seek ways to minimize its impact. I believe other stakeholders would applaud proactive behavior by the industry.

Implementing ship-quieting technology and switching to alternative, non-polluting fuels like biodiesel would help. Limited entry through scheduled days off, restricting the number of boats per day, or a lottery system could afford the SRKW some relief. Fewer commercial boats around the SRKW would likely result in fewer recreational boats stalking the SRKW.

Our goal should be fewer, quieter boats spending less time targeting the SRKW. Seasonal restrictions on boat-based whale watching could be set in the near future, as could reasonable limits on time spent watching SRKW, and limits on approach distances in sensitive areas (e.g., where SRKW might be resting or calving).

Another desirable goal is to protect and restore areas of critical habitat historically used by SRKW, including all Puget Sound waters, Hood Canal, and Pacific coastal waters like the Olympic National Marine Sanctuary. The proposed military exclusions must be further refined, as they are too broad and nonspecific.

Nearshore waters shallower than 20 feet must be included in the critical habitat designation. Not only are these waters vital to SRKW prey resources, but SRKW commonly use the shallow nearshore at locations like San Juan Island's Lime Kiln Park and the east side of Vashon-Maury Island from Dolphin Point at the north end to Piner Point at the south end (including Point Robinson and the Glacier Northwest gravel mine site).

Thank you for your consideration of these comments.

Sincerely,

Ann Stateler

Vashon Hydrophone Project Coordinator

Vice President and Conservation Chair, American Cetacean Society, Puget Sound Chapter